

**Alstate Process Service Inc.**  
**60 BURT DRIVE**  
**DEER PARK, NEW YORK 11729**  
**631/667-1800**

**UNITED STATES SOUTHERN DISTRICT COURT****COUNTY OF NEW YORK****MATTEL, INC.***against***INDEX NO.: 08 CIV 3683****JOHN MASTROANI D/B/A HOT WHEELS DEPOT***Plaintiff(s)**Defendant(s)***AFFIDAVIT  
OF  
SERVICE****STATE OF NEW YORK, COUNTY OF SUFFOLK****ss.:****ANDREW CEAPONIS**

being duly sworn, deposes and says: that deponent is not a party

to this action, is over 18 years of age and resides in **The State of New York**That on **04/24/08 10:48 AM** at **324 DEPOT ROAD, HUNTINGTON STATION NY 11746**deponent served the within **SUMMONS AND COMPLAINT** bearing Index# **08 CIV 3683** & filing date **04/17/08**

on

**JOHN MASTROANI D/B/A HOT WHEELS DEPOT**

defendant therein named,

by delivering thereat a true copy of each to said defendant personally; deponent knew said person so served to be the person described as said defendant therein. (S)He identified (her) himself as such.

**INDIVIDUAL****CORPORATION****SUITABLE  
AGE PERSON****AFFIXING TO  
DOOR, ETC.**

a , by delivering thereat a true copy of each to

personally; deponent knew said so served to be the

described as the named

defendant and knew said individual to be the

thereof an authorized person to accept service of process

by delivering thereat a true copy of each to

**LAURA ALGERIO CO-WORKER**

a person of suitable age and discretion. That person was also asked by deponent whether said premises was the defendant's

**actual place of business**

and the reply was affirmative.

by affixing a true copy of each to the door of said premises, which is defendant's

within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having verified defendant's

with

and having called there on

**AUTO SHOP****MAILING**Mailed on **4/25/08** BY FIRST CLASS MAIL

MAILED IN AN ENVELOPE MARKED PERSONAL &amp; CONFIDENTIAL

On **4/25/08** deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to defendant at defendant'sactual place of business at **324 DEPOT ROAD HUNTINGTON STATION NY 11746**

and deposited said wrapper in a post office of the United States Postal Service within New York State.

**DESCRIPTION**

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

| Sex           | Skin Color   | Hair Color   | Age (Approx.) | Height (Approx.) | Weight (Approx.) |
|---------------|--------------|--------------|---------------|------------------|------------------|
| <b>FEMALE</b> | <b>WHITE</b> | <b>BLACK</b> | <b>26</b>     | <b>5'6</b>       | <b>125</b>       |

**USE IN  
NYC CIVIL CT.**

Other identifying features:

The language required by NYCRR 2900.2(e), (f) &amp; (h) was set forth on the face of said summons(es).

**MILITARY  
SERVICE**

I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply.

The source of my information and the grounds of my belief are the conversations and observations above narrated.

Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as that term is defined in either the State or Federal statutes.

SWORN TO BEFORE ME ON **4-25-08**

**Therese M. Brennan**  
Notary Public, State of New York  
No. 01BR5078017  
Qualified in Suffolk County  
Commission Expires May 19, 2011

**Andrew CEAPONIS**  
LICENCE NO. **1274532**



**JUDGE DANIELS**

## UNITED STATES DISTRICT COURT

Southern

District of

New York

MATTEL, INC.,

**SUMMONS IN A CIVIL ACTION**

V.

JOHN MASTROANI D/B/A  
HOT WHEELS DEPOT

CASE NUMBER:

'08 CM 3683

TO: (Name and address of Defendant)

John Mastroani d/b/a Hot Wheels Depot  
324 Depot Road  
Huntington Station, NY 11746**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)William Dunnegan  
Dunnegan LLC  
350 Fifth Avenue, New York,  
New York, 10118

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

APR 17 2008

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

| <b>RETURN OF SERVICE</b>  |          |              |
|---|----------|--------------|
| Service of the Summons and complaint was made by me <sup>(1)</sup>  | DATE     |              |
| NAME OF SERVER ( <i>PRINT</i> )   | TITLE    |              |
| <i>Check one box below to indicate appropriate method of service</i>  |          |              |
| <input type="checkbox"/> Served personally upon the defendant. Place where served:<br><br><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.<br>Name of person with whom the summons and complaint were left:<br><input type="checkbox"/> Returned unexecuted:<br><br><input type="checkbox"/> Other (specify): |          |              |
| <b>STATEMENT OF SERVICE FEES</b>  |          |              |
| TRAVEL  | SERVICES | TOTAL \$0.00 |
| <b>DECLARATION OF SERVER</b>  |          |              |
| <p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____<br/>           Date _____<br/> <i>Signature of Server</i><br/><br/>           _____<br/> <i>Address of Server</i> </p>   |          |              |

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

RECEIPT FOR PAYMENT  
UNITED STATES DISTRICT COURT  
for the  
SOUTHERN DISTRICT OF NEW YORK

E 648483

RECEIVED FROM

Dunleger  
at  
08043683 (CRB)

Fund Deposit Funds  
6855XX Registry Fund  
604700 General and Special Funds  
508800 Immigration Fees DATE\TIME: 4/17/2008 12:09:43 PM  
085000 Attorney Admission FEE: LATECIA  
086900 Filing Fees STATION: 01  
322340 Sale of Publications  
322350 Copy Fees 1 COMPLAINT 4/06 \$350.00  
322360 Miscellaneous Fees 086900 \$60.  
143500 Interest 510000 \$190.00  
322380 Recoveries of Court Costs 086400 \$100.00  
322386 Restitution to U.S. Government  
121000 Conscience Fund  
129900 Gifts GRAND TOTAL \$350.00  
504100 Crime Victims Fund  
613300 Unclaimed Monies  
510000 Civil Filing Fee (½)  
510100 Registry Fee

Checks and drafts are accepted subject to collection and full credit will only be given when the check or draft has been accepted by the financial institution on which it was drawn.

DATE: 20 / Cash / Check / M.O. / Credit /

DEPUTY CLERK:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

08-civ 3683

MATTEL, INC., :

Plaintiff, :

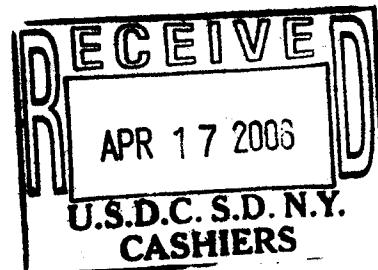
-against- : 08 Civ.

JOHN MASTROANI D/B/A  
HOT WHEELS DEPOT,

Defendant. :

- - - - - x

RULE 7.1 STATEMENT



Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure and to enable Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for Mattel, Inc. (a private, non-governmental party) certifies that there are no corporate parents, affiliates, subsidiaries and/or publicly held corporations which own 10% or more of its stock.

DATE: 4/16/08

*William Darnegan*  
SIGNATURE OF ATTORNEY